UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,230	01/31/2002	Paul Finster	GIST-001/00US	2756

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EXAMINER
SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 08/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/066,230	FINSTER ET AL.
	Examiner	Art Unit	
	Annan Q. Shang	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>*31 January 2002*</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/02;7/03</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office

action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-3, 6-7 and 10-24 are rejected under 35 U.S.C. 102(b) as being

anticipated by **Alexander et al (6,177,931)**.

As to claims 1-2, note the **Alexander** reference figures 1 and 3-9 discloses

systems and methods for displaying and recording control interface with TV programs,

video ads information and EPG information and further discloses a method for operating

a set top box (STB or Information Cable Box 'ICB' 24, fig.1 and col.3, lines 1-25), the

method comprising:

Providing a plurality of electronic program guide (EPG) preferences to an EPG

provider (Head end 'HE' or EPG Web Server, col.5, line 54-67, col.6, lines 12-28, line

56-col.7, line 30, line 46-56, col.8, line 36-64 and col.29, lines 14-39):

Receiving at the STB an EPG application program, where the EPG application is

configured according to at least one of the plurality of EPG preferences provided to the

EPG provider, a processor (e.g., M-68000) and memory device (RAM) connected to the

processor, the memory device for storing the EPG application program in a memory

associated with the STB (figs.1, 3-9, col.2, line 62-col.3, line 35, col.5, lines 5-49 and

col.8, lines 18-35);

Receiving at the STB programming information data structure, where the

programming information data structure includes program listing information and where

the programming information data structure is configured according to at least one of

the plurality of EPG preferences; and rendering at least a portion of the program listing

information (favorite channels, Theme guides, Channel guide, etc.,) using the EPG

application program (col.2, line 62-col.3, line 35, col.5, lines 56-67, col.6, line 56-col.7,

line 56, col.8, lines 18-64, col.9, line 65-col.10, line 60, col.28, line 12-col.30, line 1+),

note that the EPG provides collects users profile, using the users interaction to the

EPG/websites or by learning analysis, and furthermore uses the ICB-24 or STB unique

identifier, determines a characteristic for the ICB-124 and uses these generated

information to customizes various part of the EPG based on the preferences.

As to claim 3, Alexander further discloses providing a STB characteristic to the

EPG provider, where the received EPG application program is customized according to

the provided STB characteristic (col.28, lines 10-29, col.29, line 56-col.30, line 58).

As to claim 6, Alexander further discloses where rendering at least a portion of

the listing information comprises, extracting a template from the programming

information data structure, and populating the template with at least a portion of the

listing information (col.30, line 45-col.32, line 22).

As to claim 7, Alexander further discloses where providing a plurality of

preferences comprises: extracting a contact address from the memory local to the STB,

where the contact address is associated with an EPG provider and providing the unique identifier to the contact address (col.8, lines 37-64,col.18, lines 1-67 and col.34, lines 10-55).

As to claim 10, Alexander further discloses where the programming information data structure comprises freshness information, the method further comprising, determining whether the freshness information indicates that additional listing information should be retrieved from the EPG provider (col.8, lines 37-64,col.18, lines 1-67 and col.34, lines 10-55).

As to claim 11, the claimed "A set top box (STB)..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claim 12, the claimed "An electronic programming guide (EPG) system comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

As to claim 13, the claimed "A method for dynamically generating a customized electronic program guide (EPG) program, the method comprising..." is composed of the same structural elements that were discussed with respect to the rejection of claim 1.

Claim 15 is met as previously discussed with respect to claim 1.

As to claim 16, Alexander further discloses where the plurality of EPG program modules comprises a parental control module (col.9, line 65-col.10, line 12 and col.17, lines 13-37).

As to claims 17-18, Alexander further discloses where the plurality of EPG program modules comprises a frame viewing module and instructions to cause a

browser in the STB to display frames (figs.6-10, col.17, line 50-col.18, line 67 and

col.30, line 45-col.32, line 1+).

As to claim 19, the claimed "A method for dynamically generating a customized

electronic program guide (EPG) program, the method comprising..." is composed of the

same structural elements that were discussed with respect to the rejection of claim 1.

As to claim 20, **Alexander** reference figures 1 and 3-9 further discloses a method

for generating a customized program listing for a set top box (STB), the method

comprising:

Receiving from an STB (Head end 'HE' or EPG Web Server) a user preference

for operating an electronic program guide (EPG), retrieving programming information;

Sorting the retrieved programming information according to the user preference (col.7,

lines 6-17, col.8, line 52-64, col.28, line 12-29, col.29, line 12-col.31, line 8);

Formatting the sorted program information according to the user preference, and

providing the formatted program information to the STB (col.19, line 13-45 and col.30,

line 46-col.31, line 41).

Claims 21-22 are met as previously discussed with respect to claim 6.

As to claims 23-24, Alexander further discloses where the formatting comprises

arranging sorted program information into an interpreted-language data structure and

where the sorting comprises generating a plurality of lists of program information, where

at least one of the plurality of lists corresponds to the user preference (col.30, line 46-

col.31, line 41, line 66-col.34, line 55)

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 4-5 and 8-9 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Alexander et al (6,177,931)** as applied to claims 1 and 3 above, and

further in view of **Watson et al (2004/0049574).**

As to claims 4-5, Alexander teaches an EPG Web service provider or Headend

EPG provider which receives STB characteristics information, e.g. STB identifier, etc.,

but fails to explicitly teach where the STB characteristic comprises, STB memory

information and STB manufacturer identifier.

However, note the **Watson** reference figures 1-6, discloses a Web Server which

responds to request message from a remote user device (PDA, PC, WAP Phone, TV,

etc.,) and dynamically generates a menu based on extracted information or cookie, e.g.,

memory capacity, manufacturer identifier, etc., receive from the device (fig.5, page 2,

[0046], [0051-53], page 5, [0074-0077], [0086-0092] and [0130-0131]).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Watson into the system of Alexander

efficiently customizes EPG or menu to the various user devices based on their

capabilities.

As to claims 8-9, Alexander teaches using a browser application, but fails to explicitly teach where the EPG application comprises JavaScript code and where the programming information data structure comprises a JavaScript data structure.

However, Watson further teaches Java application and generating a menu using JavaScript (page 2, [0047-0048] and [0068-0070]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Watson into the system of Alexander to run a secure and platform-neutral application that is more robust and manages memory on its own.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Klopfenstein et al. (6,985,190), disclose real-time signal strength display of terrestrial digital TV signals.

Hind et al. (6,715,129), disclose achieving application-specific document content by transcoding using Java server pages.

Abato et al. (6,513,069), disclose enhanced video programming system and method for providing a distributed community network.

Li et al. (6,345,279), disclose methods and apparatus for adapting multimedia content for client devices.

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free)**. If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

Annan Q. Shang